

\*E-Filed 5/27/11\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JUDITH SCRASE,

No. C 11-00218 RS

Plaintiff,

**ORDER OF DISMISSAL**

v.

PATRICK HOOPES,

Defendant.

Pro se plaintiff Judith Scrase filed suit against defendant Patrick Hoopes asserting claims arising out of his representation after he was appointed as her defense counsel in state court criminal proceedings. Although no summons has been issued, Scrase nonetheless apparently served her complaint on Hoopes. He responded by filing a motion to dismiss and to declare Scrase a vexatious litigant.

Scrase has applied for leave to proceed in this case in forma pauperis. An in forma pauperis complaint raising the same factual allegations asserted in a prior case is subject to dismissal as duplicative. *See Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995). In this case, Scrase has raised the same allegations against Hoopes in two prior in forma pauperis complaints. In Case No. C 10-1766, the Court dismissed her complaint for failure to state a claim. In Case No. C 10-2190, the Court dismissed her second complaint against Hoopes as duplicative of the prior suit. Scrase's present complaint, which relies on the same factual allegations against Hoopes, must also

1 be dismissed as duplicative. As Scrase had not been granted permission to proceed with her suit at  
2 the time she served her complaint, the Court will not determine at this point whether Scrase must be  
3 declared a vexatious litigant. Scrase is advised, however, that any future suit in federal court based  
4 on the same factual allegations is subject to dismissal.

5 Accordingly, the Clerk of Court shall close this case. The application to proceed in forma  
6 pauperis is granted. The hearing on defendant's motion to dismiss is vacated.

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8 IT IS SO ORDERED.

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10 Dated: 05/27/2011

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12 RICHARD SEEBORG  
13 UNITED STATES DISTRICT JUDGE  
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1 **THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

2 **Judith Scrase**

3 1492 Pawnee Drive

4 Las Vegas, NV 89169-3129

5  
6 DATED: 05/27/2011

7 /s/ Chambers Staff

8 Chambers of Judge Richard Seeborg

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**United States District Court**  
For the Northern District of California